IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRI.APPELLATE SIDE JURISDICTION

CRI.APPLN.NO.1355 OF 2006

Shailesh @ Lalit Bhanabai Patel]
Age 24 yrs. Occ: Business]
Residing at 101/B, Shanti Darshan]
Apartment, Mumbai Agra Road, Indira]
Nagar, Nashik, (at present in]
Nasik Jail in custody)]..Applicant

Vs.

State of Maharashtra]
(Through the learned Public]
Prosecutor, High Court, Bombay)]..Respondent

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Mr.S.V.Marwadi Advocate for Applicant
Ms.Madhavi Mhatre A.P.P. for State

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CORAM:SMT.V.K.TAHILRAMANI,J.
DATE :JUNE 20, 2006
IN CHAMBER AT 2.35 P.M.

P.C.

1. Heard Mr.S.V.Marwadi, the learned advocate for the applicant and Ms.Mhatre, the learned A.P.P. for the State.

2. The applicant has preferred this application for bail in C.R.No. 300 of 2003 of Ambad Police Station, Nasik. The said case is under Section 302 of IPC. The applicant is under trial prisoner.

3. The applicant had earlier preferred application for bail which came to be rejected by me on merits on 15.3.2004. Mr.Marwadi has submitted that the applicant is in custody since 30.9.2003. Mr.Marwadi has further submitted that despite the fact that by order dated 1.11.2004, the trial in the said case has been expedited, till today, there is no progress relating to the trial of the said case. Learned A.P.P. has submitted that some of the accused are absconding and the trial could not proceed. However, Mr.Marwadi has pointed out that in the order dated 29.11.2005 of this Court, this Court had observed that in view of the fact that co-accused were absconding, the prosecution may consider separating the trial in respect of the present applicant. However, till today, the trial has not been separated. It is submitted by the learned A.P.P. that prosecution has filed an application on 12.6.2006 for separating the trial.

4. Mr.Marwadi has submitted that the applicant is in custody for a long period, he has younger sister whose marriage is to be fixed, the applicant does not have father and his family consists of his

sister who is to be married, his mother and one younger brother. In these circumstances, it is prayed that the applicant may be released on bail.

5. Looking to the above facts, I am inclined to release the applicant on temporary bail for a period of six weeks.

6. The applicant to be released on temporary bail for a period of six weeks from the date that he is released on bail. The applicant be released on bail in the sum of Rs.10,000/- (Rs. Ten thousand only) with one or two sureties to make up that amount. The applicant shall report to Ambad Police Station on every Monday and Thursday during the said period. On expiry of six weeks, the applicant shall surrender back to Nasik Road Central Prison.

7. Application is disposed of.

[SMT.V.K.TAHILRAMANI,J.]